

REMARKS

The Examiner has rejected all claims as being drawn to non-statutory subject matter under 35 U.S.C. 101, and has also rejected the claims under 35 U.S.C. 112, first paragraph on the same grounds stating that an application which fails as a matter of fact to satisfy 35 U.S.C. 101 fails as a matter of law to enable one of ordinary skill in the art to use the invention. The undersigned is firmly of the position that the application complies with 35 U.S.C. 101 and 35 U.S.C. 112, first paragraph, and thus traverses both rejections.

First, as the Examiner recognizes, the claims were previously amended to recite a processor being used as an element of the invention. With respect to the Examiner statement as to what a “processor” is is debatable, the undersigned disagrees. It is clear that a processor is a machine (e.g., a computer), not a person as suggested by the Examiner. As the Examiner will recognize, a person does not “apply a machine learning method” as shown in Figure 2 of the application and as specifically recited in claims 3 and 4. As such, it will be clear to one of ordinary skill in the art that the invention is a computer implemented, i.e., a machine is used-thus, the invention employs the technological arts, and that it would not be feasible for a human to process the data manually. In view of the above, it is believed that the Examiner’s concerns set forth in items 17 and 18 of the office action should now be addressed.

Second, and more fundamentally, the Examiner’s assertion that “The data referred to by Applicant’s phrase “regression data” is simply an abstract construct that does not limit the claims to the transformation of real world data (such as monetary data or heart rhythm data) by some disclosed process”, is simply not correct. Hence, the Examiner’s premise for rejecting the claims under 35 U.S.C. 101 and 35 U.S.C. 112, first paragraph, should be withdrawn and the application should now be passed to issue.

As indicated in the previous response, the application is directed to real-world data. The data are not restricted to one specialty, such as financial or medical. The method applies to any real-world data organized in a spreadsheet format (as discussed in detail in the previous amendment). The whole purpose of

this method is to learn (an ensemble of decision rules) from real-world data. These rules are the output of a process of learning from real-world data (they are the concrete, useful and tangible result as contemplated by State Street Bank and In re Warmerdam cited by the Examiner). The rules make a numerical prediction for a new unseen example, such as a new customer. The customer is described in terms of real-world data, for example prior purchases. The term "regression data" refers to a sample of measured data from the real world, where the goal is to predict a number; such as how much a customer will spend (as opposed to a true-or-false result, such as will purchase or not).

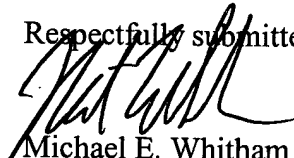
Good methods exist to learn an ensemble of decision rules from real-world data, where their prediction is true or false. The patent application shows how to transform real-world data to learn decision rules that predict real numbers. This is not shown in the prior art, and provides a useful, concrete and tangible result which can be used in many applications in the real world.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1-7 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0510 (IBM Corporation).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Whitham", is written over the typed name.

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